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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,433	08/21/2000	Tomoyasu Shimizu	P/1071-1115	7961

2352 7590 11/18/2003

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NEW YORK, NY 100368403

EXAMINER
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TRAN, DENISE

ART UNIT	PAPER NUMBER
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2186

DATE MAILED: 11/18/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/642,433

Applicant(s)

SHIMIZU, TOMOYASU

Examiner

Denise Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant's election without traverse of claims 1 and 4 in Paper No. 7 is acknowledged.
2. Claims 2-3 and 5-6 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.
3. Claims 1 and 4 are presented for examination.
4. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art, the current specification pages 1-2 and fig. 3, (hereinafter AAPA), in view of Miyauchi, U.S. Patent No. 5,717,886.

As per claims 1 and 4, AAPA shows a data processing device/method comprising:

A read only memory (e.g., page 1, line 14)

A flash memory capable of modifying information stored therein and adding information thereto (e.g., page 1, lines 21-23);

A central processing unit performing data processing using information stored in said read only memory and said flash memory (e.g., page 1, lines 15-24);

An information storage area provided in said flash memory for storing predetermined modifiable information among the information used by said central processing unit for data processing (e.g., page 1, lines 21-23); and

whereby the information used by said central processing unit for data processing can be freely modified or added (e.g., page 1, lines 20-23).

AAPA does not explicitly show an address storage area provided in said flash memory for storing at least the address of the information stored in said information storage area; and an address modification control unit for, after at least one of modification of modifiable information stored in said information storage area and additional of modifiable information to said information storage area, and in accordance with said one of the modification of the information and addition of the information, performing one of modification of the address of the information stored in said address

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storage area and addition of the address of the information to said address storage area. Miyauchi shows an address storage area provided in said flash memory for storing at least the address of the information stored in said information storage area (e.g., col. 3, lines 45-53); and an address modification control unit for, after at least one of modification of modifiable information stored in said information storage area and additional of modifiable information to said information storage area (e.g., col. 3, lines 38-65), and in accordance with said one of the modification of the information and addition of the information, performing one of modification of the address of the information stored in said address storage area and addition of the address of the information to said address storage area (e.g., col. 3, lines 38-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Miyauchi into the system of the AAPA because it would minimize the number of erasures when information is modified.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Yamaguchi et al. (5222226) is cited to show the use of changing the address region information of EPROM;

b) Karasawa et al. (JP 08328845) is cited to show the address of flash memory changing when data are rewritten;

c) Kawase et al. (JP 10149282) is cited to show the address of flash memory changing when data are rewritten; and

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d) Mason (5740396) is cited to show updating an address table when data are written to a flash memory.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise Tran whose telephone number is (703) 305-9823. The examiner can normally be reached on Monday, Thursday and an alternated Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (703) 305-3821. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for central Official communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



D.T.  
November 15, 2003